

## **R E M A R K S**

### **Request for Continued Examination**

Applicants request the continued examination of this application.

### **Rejection of the Claims Under 35 U.S.C. §112, first and second paragraph**

The claims are amended to further clarify them.

Support for the term “or tertiary phosphanes” in claim 1 has support in the specification on page 18, last line on page. In the Advisory Action the Examiner indicated that the term phosphane is unclear as it is synonymous with phosphine. This allegation is incorrect. Applicants attach the definitions of both terms from IUPAC Compendium of Chemical Terminology, 2<sup>nd</sup> Edition (1997).

With respect to the rejection of claim 19, and point 5 of the Office Action, applicants point to MPEP § 2173.05(h), to language under the heading “Markush Groups” which states that

The use of Markush claims of diminishing scope should not, in itself, be considered a sufficient basis for objection to or rejection of claims. However, if such a practice renders the claims indefinite or if it results in undue multiplicity, an appropriate rejection should be made.

Similarly, the double inclusion of an element by members of a Markush group is not, in itself, sufficient basis for objection to or rejection of claims. Rather, the facts in each case must be evaluated to determine whether or not the multiple inclusion of one or more elements in a claim renders that claim indefinite. The mere fact that a compound may be embraced by more than one member of a Markush group recited in the claim does not necessarily render the scope of the claim unclear. For example, the Markush group, "selected from the group consisting of amino, halogen, nitro, chloro and alkyl" should be acceptable even though "halogen" is generic to "chloro."

The claims are not indefinite or unclear even though some overlap in members of the Markush groups may exist. Thus, the rejection is not proper.

With respect to the meaning of the term “tertiary phosphino imines,” applicants point to page 18, line 25, of the specification, for two examples of such a compound. Thus, the term should be clear. (These two formulae erroneously appear on page 18, line 25. Their proper location should be page 19, line 4. Thus, correction is made to the specification.)

The first paragraph rejections of claims 6 and 7 are moot in view of the amendment to claim 6.

With respect to the rejection over claim 32, applicants point to page 19, first 3 lines.

The claims objected to are rewritten in independent form. Thus, these claims should be allowable.

#### **Amendments in the Specification**

The formulae from page 18, line 25, are moved to page 19, line 4, as discussed above.

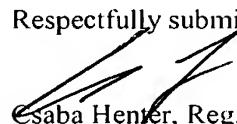
The German term, appearing on page 43, line 8 is part of a formula. Its deletion would affect the scope of the disclosure. The term “polyacrylsaure” means “polyacrylic acid.” Thus, the term is changed to reflect said meaning.

The German term, appearing on page 13, line 19 is deleted.

The citations from page 34, lines 18-19 are deleted.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

  
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### **phosphanes**

The saturated hydrides of trivalent phosphorus having the general formula  $P_nH_{n+2}$ . Individual members having an unbranched phosphorus chain are named phosphane, diphosphane, triphosphane, etc. The name of a saturated hydride of phosphorus wherein one or more phosphorus atoms have a bonding number of 5 is formed by prefixing locants and  $\lambda^5$  symbols to the name of the corresponding phosphane. Hydrocarbyl derivatives of  $PH_3$  belong to the class phosphines.

1995, 67, 1357

## **phosphines**

$\text{PH}_3$  and compounds derived from it by substituting one, two or three hydrogen atoms by hydrocarbyl groups  $\text{R}_3\text{P}$ ,  $\text{RPH}_2$ ,  $\text{R}_2\text{PH}$  and  $\text{R}_3\text{P}$  ( $\text{R} \neq \text{H}$ ) are called primary, secondary and tertiary phosphines, respectively. A specific phosphine is preferably named as a substituted phosphane, e.g.  $\text{CH}_3\text{PH}_2$  methylphosphane.

See *phosphanes*.

1995, 67, 1357